

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TEON D'MON HILL,

Petitioner,

vs.

CRAIG GABLE, Warden at Tecumseh State
Institution;

Respondent.

8:23CV13

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion for Leave to Proceed in Forma Pauperis ("IFP"), [Filing No. 7](#), and correspondence from Petitioner which the Court construes as a motion for review and to file a brief, [Filing No. 8](#).

Petitioner's IFP motion is essentially a duplicate of a previous IFP motion he filed on January 23, 2023. *Compare* [Filing No. 7](#) *with* [Filing No. 4](#). Because Petitioner already paid the \$5.00 filing fee on January 23, 2023, the Court will deny the present IFP motion as moot.

In Petitioner's correspondence, [Filing No. 8](#), he emphasizes to the Court that he prepared his habeas petition, [Filing No. 1](#), without any legal assistance and in a limited amount of time due to an attorney's failure to prepare the petition as Petitioner hired the attorney to do. Petitioner asks the Court to review his petition and the full record and allow Petitioner to prepare a brief in this matter. [Filing No. 8](#). Petitioner is advised that the next step in this case is for the Court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the *Rules Governing Section 2254 Cases in the United States District Courts*, which the Court will conduct in its normal course of business. If the Court determines upon preliminary review that the petition sets forth

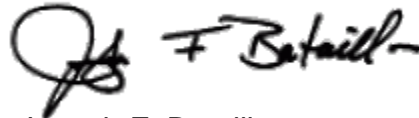
cognizable claims for relief, the Court will enter an order directing Respondent to file a response to the petition, after which Petitioner shall have a time certain to file a responsive brief. There is no need for Petitioner to file a brief at this time.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Leave to Proceed IFP, [Filing No. 7](#), is denied as moot.
2. Petitioner's correspondence, [Filing No. 8](#), construed as a motion, is granted to the extent Petitioner's habeas petition will be reviewed and, if the petition proceeds, Petitioner will be given leave to file a brief in accordance with the Court's normal procedures in § 2254 cases.

Dated this 7th day of February, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge